

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-
PBS)	
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
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THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>)	
<i>officers and directors, Zachary T. Bentley and</i>)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i>)	

**ORDER OF DISMISSAL WITH PREJUDICE OF CERTAIN CLAIMS
AGAINST MYLAN DEFENDANTS**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, Relator Ven-A-Care of the Florida Keys, Inc. (the “Relator”) and Mylan Inc. (f/k/a Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc. and UDL Laboratories, Inc. (collectively, “Mylan”) (Mylan together with Relator collectively the “Parties”) filed with this Court, a Stipulation of Dismissal and Motion for Order of Dismissal with Prejudice as to Certain Claims Against Mylan. Upon due consideration of the Stipulation and the Parties’ Settlement Agreement and Release, the United States’ Consent, the lack of objection to the proposed Settlement, and the Court’s determination that the Settlement Amount appears to the Court to be fair, adequate, and reasonable under all the circumstances, the Court hereby approves the Settlement.

WHEREFORE, IT IS ORDERED, that

1. Consistent with the terms of, and as limited by, the Settlement Agreement and Release attached hereto as Exhibit A, the above captioned Civil Action is dismissed with

prejudice as to Mylan with the exception of any claim for the federal share of Medicaid program payments by the California Medicaid program in this case and in the matter of *State of California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc., et al.*, Case No. 03-cv-11226-PBS, Subcategory Case No. 06-11337; Master File No. 01-12257-PBS; MDL No. 1456.

2. This Order resolves all claims against Mylan for the federal share of Medicaid program payments arising from or encompassed by the above-captioned Civil Action, except for any claim for the federal share of Medicaid program payments by the California Medicaid program in the matter of the *State of California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc., et al.*, Case No. 03-cv-11226-PBS, Subcategory Case No. 06-11337; Master File No. 01-12257-PBS; MDL No. 1456 and in this case which shall remain and are not dismissed by this Order.

3. Each party shall be responsible for its own expenses, attorneys' fees, and costs.

4. The Court shall retain jurisdiction to enforce the terms, conditions, and releases of the Parties' Settlement Agreement and Release to the extent reasonably necessary and appropriate.

IT IS SO ORDERED this 4 day of January, 2010.



THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT COURT JUDGE